

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARNELL L. RUSSELL,

Defendant.

8:05CR132

ORDER

Defendant Darnell L. Russell appeared before the court on November 2 and November 5, 2009 on a Petition for Warrant or Summons for Offender Under Supervision [103]. The defendant was represented by Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Michael D. Wellman. Through his counsel, the defendant waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. However, the defendant is in state custody. Therefore, the government's oral motion for detention shall be held in abeyance.

I find that the Report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No.3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **November 5, 2009 at 9:30 a.m.** Defendant must be present in person.

2. The government's motion for detention pursuant to the Bail Reform Act, is held in abeyance pending the defendant's coming into federal custody.

3. The U.S. Marshal is authorized to return the defendant to the custody of Nebraska state authorities pending the final disposition of this matter and the U.S. Marshal for the District of Nebraska is directed to place a detainer with the correctional officer having custody of the defendant.

DATED this 6th day of November, 2009.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge